

REMARKS

Claims 1-3 and 5-59 were pending in the instant application. Claims 6-17 and 19-54 were withdrawn by the Examiner as being directed to non-elected subject matter. Claim 4 was canceled previously. Applicants request cancellation of claims 6-17 and 19-54 without prejudice to future presentation. Claims 1 and 57 have been amended to recite peptides or peptide derivatives of SEQ ID NO:7 which have a C-terminal leucine or peptides or peptide derivatives which have an equivalent MHC binding specificity as in SEQ ID NO:7 and which also have a C-terminal isoleucine residue. Claims 1 and 57 have also been amended to recite peptides or peptide derivatives wherein one or several amino acids can be replaced. Claims 2 and 3 have been amended to replace "it" with "said peptide or peptide derivative." New claims 60 and 61 have been added. Support for the new claims and claim amendments can be found in the specification and claims as originally filed. It is believed that the amendments do not constitute new matter and their entry is requested.

35 U.S.C. 102 Rejections

Claims 1-3, 5, 18, and 55-59 have been rejected under 35 U.S.C. §102(b) as being anticipated by WO95/07992 ("the '992 patent"; already of record). The Examiner is of the opinion that the scope of the claims includes the sequence identified in the '992 patent as "VNFFRMVISNPAATHQDIDF" as disclosed, e.g., in claim 18 of the '992 patent. In particular, the Examiner has asserted that peptides or peptide derivatives which have a binding specificity or affinity to human MHC molecules equivalent to SEQ ID NO:7 (as in "(I)" of claims 1 and 57) are not limited to sequences having a C-terminal isoleucine and that the sequence of the '992 patent would thus be encompassed in the present claims. Claims 1 and 57 have been amended to recite peptides derived from SEQ ID NO:7, wherein the derivative of SEQ ID NO:7 has a C-terminal isoleucine.

Based on the amendments to the claims and the foregoing comments, it is believed that the claims are not anticipated by the disclosure of the '992 patent and withdrawal of this ground of rejection is requested.

The Examiner has also rejected claims 1-3, 5, 18, and 55-59 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,139 ("the '139 patent", already of record). The Examiner is of the opinion that the claims still encompass an amino acid "VNFFRMVISNPAATHQDIDF", as described in SEQ ID NO:50 of the '139 patent. In particular, the Examiner is of the opinion that this sequence is a derivative of SEQ ID NO:7 that does not contain a C-terminal isoleucine that would thus be encompassed by

the claims. As noted above, the claims have been amended to recite derivatives of SEQ ID NO:7 which have a C-terminal isoleucine.

Based on the amendments and remarks, it is believed that the claims are not anticipated by the '139 patent and withdrawal of this ground of rejection is requested.

35 U.S.C. 103(a) Rejections

The Examiner has further maintained the rejection of claims 1-3, 5, 18 and 55-59 under 35 U.S.C. §103, as being obvious over either of the above cited references, in view of U.S. Patent No. 5,750,114 (the "114 patent"; already of record), for the reasons set forth previously. Specifically, the Examiner has maintained the position that it would have been obvious to have formulated antigenic or immunogenic peptides such as those taught by the primary references, into the pharmaceutical compositions of the '114 patent. The claims as amended are not anticipated by either of the primary references. The present claims would not be obvious in view of the teachings of either of these references combined with the '114 reference, since neither of the primary references nor the '114 patent teach or suggest peptides or peptide derivatives as recited in the claims.

Based on the amendments to the claims and the foregoing comments, it is believed that the claims are unobvious in view of the cited references and withdrawal of this ground of rejection is requested.

35 U.S.C. 112 Rejections

The Examiner has rejected all of the pending claims under 35 U.S.C. §112, first paragraph, for lack of adequate written description. The Examiner is of the opinion that the recitation of "a peptide derivative . . . in which at least one amino acid has been replaced" in claims 1 and 57 represents matter that is not supported in the specification. The Examiner stated that the specification instead discloses "one or several amino acids." The claims have been amended to recite peptides or derivatives where "one or several" amino acids are replaced.

Based on the foregoing, it is submitted that the claims as amended satisfy the written description requirement and withdrawal of this ground of rejection is requested.

35 U.S.C. 112, Second Paragraph Rejections

Claims 57 and 59 were rejected for being indefinite. The Examiner is of the opinion that recitation of the phrases "consisting of" and "comprises" together in claim 57 renders the claims vague and indefinite. Claim 57 has been amended to recite a peptide which "has" a C-terminal isoleucine.

Based on the foregoing, it is submitted that the claims as amended satisfy the written description requirement and withdrawal of this ground of rejection is requested.

In view of the above remarks and amendments, Applicants believe that the Examiner's rejections set forth in the July 30, 2003 Office Action have been overcome and that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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